

Remarks

The Office Action dated April 26, 2005 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 14, 17-25, and 27-32 are pending in this application. Claims 23-25 and 27-32 stand rejected. Claims 14 and 17-22 are withdrawn from consideration.

The rejection of Claims 23-25 and 27-32 under the judicially created doctrine of obvious-type double patenting as being unpatentable over Claims 13 and 17-21 of US Patent No. 6,697,447 is respectfully traversed.

Applicants respectfully submit that the judicially created doctrine of obvious-type double patenting rejection of Claims 23-25 and 27-32 is improper. The present application is a divisional application of U.S. Application No. 09/475,592 which matured into US Patent No. 6,697,447 on February 24, 2004. Applicants submit that 35 U.S.C. § 121 states that:

A patent issued on an application with respect to which a requirement for restriction under this section has been made, or on an application filed as a result of such a requirement, shall not be used as a reference either in the Patent and Trademark Office or in the courts against a divisional application or against the original application or any patent issued on either of them, if the divisional application is filed before the issuance of the patent on the other application.

In this case the present divisional application, which was the result of a restriction requirement in U.S. Application No. 09/475,592 (US Patent No. 6,697,447), was filed on December 30, 2003. The cited parent U.S. Patent No. 6,697,447 was issued February 24, 2004. Accordingly, the present divisional patent application meets the requirements of Section 121, and as such, U.S. Patent No. 6,697,447 cannot be used against the present application in a double patenting rejection.

For the reasons set forth above, Applicants respectfully request that the judicially created doctrine of obvious-type double patenting rejection of Claims 23-25 and 27-32 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Michael Tersillo", written over a horizontal line.

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